***

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6344 of 2007
Date of decision: 10.12.2007

M/s Ganesha Mal Nanak Chand

...Petitioner

Versus

Chhinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. P.S. Jammu, Advocate for the petitioner.

***

RAJESH BINDAL, J.

The challenge in the present petition is to the order dated November 07, 2007 passed by the learned Additional Civil Judge (Senior Divison), Dabwali whereby evidence of the plaintiff has been closed in a suit for recovery of Rs. 2,52,760/- against the respondents/defendants.

For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondents as the same would unnecessarily delay not only disposal of the present petition but the suit as well.

Learned counsel for the petitioner/plaintiff submitted that the case was fixed for November 7, 2007 for evidence of the plaintiff and last opportunity was granted but due to inadvertent mistake by the counsel, the expert witness could not be called for November 7, 2007 and on that date, a written application was made with a prayer for grant of last opportunity to produce the expert witness but the learned trial court declined to entertain the application and evidence of the petitioner/plaintiff was closed by order. He further submitted that in case one opportunity is granted to petitioner/plaintiff, he will produce his entire evidence on the date already

***

fixed by the trial Court i.e. March 5, 2008, though for the evidence of the defendants.

Having heard learned counsel for the petitioner/plaintiff, I find merit in the submission made by learned counsel for the petitioner/plaintiff. Keeping in view interest of justice, I grant one opportunity to the petitioner/plaintiff for producing his entire evidence on the date already fixed i.e. March 5, 2008. However, the same shall be subject to payment of Rs. 2000/- as costs to the respondents/defendants. The petitioner/plaintiff will be at liberty to take the help of the Court to summon the witness(s). However, it is made clear that no further opportunity shall be granted to the petitioner/plaintiff in case, he fails to complete his entire evidence on the date fixed.

The revision petition is disposed of in the manner indicated above.

December 10, 2007 **(Rajesh Bindal)**
Pka **Judge**